such priority. The Specification has been amended. Please see Exhibit A. Further the Examiner has suggested correction of the trademark "PLURONIC" in accordance with M.P.E.P. 608.01(v). Applicants respectfully request that the substitution of "Pluronic®" or "Pluronic" for "PLURONIC®" be done by Examiner's amendment to page 26, in the Table, to page 27 in the Table, to page 27, lines 25 and 40 and to page 28, lines 3 and 23 after the Examiner has indicated that the claims are allowable.

Double Patenting Rejection

The Examiner rejected claims 1-3 under the non-statutory doctrine of double patenting over claims 1-4 of US 6,171,801 and claims 1, 2, 4, 5, 10, 11, 26 and 27 of US 6,159,698. Applicants will file a terminal disclaimer once the claims are deemed allowable.

Rejections under 35 U.S.C. §102

The Examiner rejected that claims under §102(e) as being anticipated by Khanna et al stating that Khanna et al. teach a method for releasing a ligand from a complex comprising contacting a sample suspected of containing the complex with an effective amount of a releasing agent. The Examiner states that the preferred releasing agent is a methoxybenzoic acid.

The claims as amended teach a one-step method of releasing a ligand from an endogenous protein. Khanna uses a three-step method to prepare a concentrated sample of digoxin from a bodily fluid sample. First, Khanna discloses adding either a soluble or insoluble beta- cyclodextrin to the sample to bind digoxin, next the digoxin-(beta-cyclodextrin) complex is separated from the sample (for a liquid beta-cyclodextrin using ultrafiltration techniques), next the beta-cyclodextrin is treated with a releasing agent to release the digoxin by contacting the complex with a releasing agent that can displace the digoxin by binding to the beta-cyclodextrin and then the amount of digoxin may be measured. The releasing agent may be, for example, p-methoxybenzoic acid. See col. 3, line 57.

In Khanna et al. cyclodextrin is added to the medium to bind digoxin. In the present invention, a methoxybenzoic acid compound is added to the medium to release a ligand from an endogenous protein. In contrast, Khanna specifically did not use a methoxybenzoic acid compound to bind digoxin in the medium or to release digoxin from endogenous proteins. Instead, Khanna used cyclodextrin. Thus, Khanna teaches that one needs to separate out digoxin first using cyclodextrin, then release the digoxin.

Thus, the present invention is not anticipated by Khanna et al. and Applicants respectfully request reconsideration and withdrawal of the rejection.

The Examiner has made of record, but not relied on several references. Because no rejections were based on these references, Applicants have not addressed the references. However, Applicants reserve the right to do so.

For all of the foregoing reasons Applicants respectfully requests that the objections and the rejections of the Examiner be withdrawn and that allowance of the claims be granted. If the Examiner believes that an interview would help to clarify any issue, the Applicants respectfully invite the Examiner to contact Applicants' attorney at the phone number listed below.

Respectfully submitted,

Cynthia G. Tymeson

Cynthia G. Tymeson
Registration No. 34,745
Attorney for Applicants

DADE BEHRING
1717 Deerfield Rd.
Deerfield, Illinois 60015
302/631-0360